

FEE PAID

#10.00

APPLICATION FOR PERMIT

have examined this application  
required by the Department of Ecology  
is ☒ not an "action".  
☐ category 1  
☐ category 2

TO APPROPRIATE PUBLIC WATERS OF THE STATE OF WASHINGTON

RECEIVED  
MAR -9 1995  
DEPT. OF ECOLOGY

WASHINGTON STATE  
DEPARTMENT OF  
ECOLOGY

\$10.00 MINIMUM STATUTORY EXAMINATION FEE REQUIRED WITH APPLICATION

SIGNATURE (GRAY BOXES FOR OFFICE USE ONLY)

APPLICATION NO. SI-27607 WRIA 8 COUNTY King PRIORITY DATE 3-9-95 TIME     ACCEPTED LB

APPLICANT'S NAME - PLEASE PRINT U.S. Bank of Washington, N.A., in its capacity as Trustee under the Living Trust Agreement of Thomas H. Macbride and Jessie C. Macbride, husband and wife c/o Harry Rubin, Trust Real Estate Mgr. Bus. Tel. (206) 344-4571  
Home Tel.      
Other Tel.    

ADDRESS (STREET) P.O. BOX 720 (CITY) Seattle (STATE) WA (ZIP CODE) 98111-0720

DATE & PLACE OF INCORPORATION IF APPLICANT IS A CORPORATION  
N/A

1. SOURCE OF SUPPLY  
IF SURFACE WATER  
SOURCE (NAME OF STREAM, LAKE, SPRING, ETC.) (IF UNNAMED, SO STATE)  
The Sammamish River  
TRIBUTARY  
Lake Washington  
IF GROUND WATER  
SOURCE (WELL, TUNNEL, INFILTRATION TRENCH, ETC.)  
     
SIZE AND DEPTH  
   

2. USE  
USE TO WHICH WATER IS TO BE APPLIED (DOMESTIC SUPPLY, IRRIGATION, MINING, MANUFACTURING, ETC.)  
Irrigation  
ENTER QUANTITY OF WATER REQUESTED USING UNITS OF: CUBIC FEET PER SECOND (CFS) 4.4 OR GALLONS PER MINUTE (GPM)     ACRE FEET PER YEAR 764

TIMES DURING YEAR WATER WILL BE REQUIRED  
April 1 through October 31

IF IRRIGATION, NUMBER OF ACRES 401  
IF DOMESTIC USE, NUMBER OF UNITS BY TYPE, E.G. 1-HOME, 1-MOBILE HOME, 2-CAMPSITES, ETC.      
IF MUNICIPAL USE, ESTIMATED POPULATION 20 YEARS FROM TODAY      
DATE PROJECT WAS OR WILL BE STARTED Irrigated farming commenced in 1906. DATE PROJECT WAS OR WILL BE COMPLETED Present diversion pumps installed in 1978.

3. LOCATION OF POINT OF DIVERSION/WITHDRAWAL

3A. IF IN PLATTED PROPERTY  
LOT     BLOCK     OF (GIVE NAME OF PLAT OR ADDITION)     SECTION     TOWN     RANGE     ALSO, PLEASE ENCLOSE A COPY OF THE PLAT AND MARK THE POINT(S) OF WITHDRAWAL OR DIVERSION

3B. IF NOT IN PLATTED PROPERTY  
ON ACCOMPANYING SECTION MAPS, ACCURATELY MARK AND IDENTIFY EACH POINT OF DIVERSION. SHOW NORTH-SOUTH AND EAST-WEST DISTANCES FROM NEAREST SECTION CORNER OR PROPERTY CORNER  
ALSO, ENTER BELOW THE DISTANCES FROM THE NEAREST SECTION OR PROPERTY CORNER TO THE DIVERSION OR WITHDRAWAL.  
Diversion #1: 900' West and 75' South of Northeast Corner of Section 22  
LOCATED WITHIN (SMALLEST LEGAL SUBDIVISION) NW $\frac{1}{4}$  of NE $\frac{1}{4}$  of NE $\frac{1}{4}$  SECTION 22 TOWNSHIP N. 26 RANGE (E. OR W.) W.M. 5E COUNTY King

Locations of Diversions #2, #3 are described in the attached section maps

4. DO YOU OWN THE LAND ON WHICH THIS SOURCE IS LOCATED. IF NOT, INSERT NAME & ADDRESS OF OWNER  
See responses to question 5 below.

5. LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED  
ATTACH A COPY OF THE LEGAL DESCRIPTION OF THE PROPERTY (ON WHICH THE WATER WILL BE USED) TAKEN FROM A REAL ESTATE CONTRACT, PROPERTY DEED OR TITLE INSURANCE POLICY. OR, COPY CAREFULLY IN THE SPACE BELOW.

- (a) King County owns a 100' wide strip of land on both sides of the Sammamish River.
- (b) The property where water is used is Hollywood Farm. Its legal description is attached.
- (c) King County owns the development rights to the property having purchased them in 1978 as part of the county's farmland preservation and environmental protection program.
- (d) Applicant owns residual rights to the property.
- (e) Property is currently farmed by a tenant, J B Instant Lawn Inc.



WHAT IS YOUR INTEREST IN THE PROPERTY ON WHICH THE WATER IS TO BE USED (PROPERTY OWNER, LESSEE, CONTRACT PURCHASER, ETC.)  
Trustee for owner of residual rights to property

ARE THERE ANY EXISTING WATER RIGHTS RELATED TO THE LAND ON WHICH THE WATER IS TO BE USED (INCLUDING WATER PROVIDED BY IRRIGATION DISTRICTS OR DITCH COMPANIES.)

☒ YES ☐ NO

IF YES, FROM WHAT SOURCE (I.E. SURFACE OR GROUND WATER) AND UNDER WHAT AUTHORITY

Surface water is currently pumped from the Sammamish River under the

authority of surface water rights #3754 and #10045.

6. DESCRIPTION OF SYSTEM PROPOSED OR INSTALLED

(FOR EXAMPLE: SIZE OF PUMP, CAPACITY OF PUMP, PUMP MOTOR HORSE POWER, PIPE DIAMETER, NUMBER OF SPRINKLERS, ETC.)

Pumps currently divert water from the Sammamish River at the three

locations shown on the attached section maps. A 60 Horsepower pump

is installed at Diversion point #1. A 30 Horsepower pump is installed

at Diversion point #2. A 75 Horsepower pump is installed at Diversion

point #3. The pumps are connected to 6-inch and 8-inch diameter

aluminum pipes that distribute water to a spray irrigation system.

REMARKS

7. See "Remarks" attached to this Application.

8.

COMPLETE THIS SECTION ONLY IF THIS APPLICATION INCLUDES IRRIGATION AS A USE

IN ORDER TO IMPLEMENT THE PROVISIONS OF INITIATIVE MEASURE NUMBER 59, THE FAMILY FARM WATER ACT WHICH WAS PASSED BY THE VOTERS ON NOVEMBER 3, 1977, WE MUST ASK THE FOLLOWING QUESTIONS:

DOES THE TOTAL NUMBER OF ACRES IN WHICH YOU HAVE CONTROLLING INTEREST IN THE STATE OF WASHINGTON EXCEED 2000 ACRES FOR THE FOLLOWING THREE CATEGORIES:

1. LANDS THAT ARE BEING IRRIGATED UNDER WATER RIGHTS ACQUIRED AFTER DECEMBER 8, 1977.

YES ☐

NO ☒

2. LANDS THAT MAY BE IRRIGATED UNDER APPLICATIONS NOW ON FILE WITH THE DEPARTMENT OF ECOLOGY.

YES ☐

NO ☒

3. LANDS THAT MAY BE IRRIGATED UNDER THIS APPLICATION.

YES ☐

NO ☒

IF 10 ACRE-FEET OR MORE OF WATER IS TO BE STORED AND/OR IF THE WATER DEPTH WILL BE 10 FEET OR MORE AT THE DEEPEST POINT, A STORAGE PERMIT MUST BE FILED IN ADDITION TO THIS PERMIT. THESE FORMS CAN BE SECURED, TOGETHER WITH INSTRUCTIONS, FROM THE DEPARTMENT OF ECOLOGY.

SIGNATURES

King County

U.S. Bank of Washington, Trustee

LEGAL LANDOWNER'S NAME  
(PLEASE PRINT)

U.S. Bank of Washington, N.A.

Trustee for Thomas H. Macbride and  
Jessie C. Macbride

By:

Its:

*David H. Ruler*  
Vice President & Trust Officer

P.O. BOX 720, Seattle, WA 98111-0720

LEGAL LANDOWNER'S ADDRESS

FOR OFFICE USE ONLY

STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

ss.

This is to certify that I have examined this application together with the accompanying maps and data,  
and am returning it for correction or completion as follows: .....

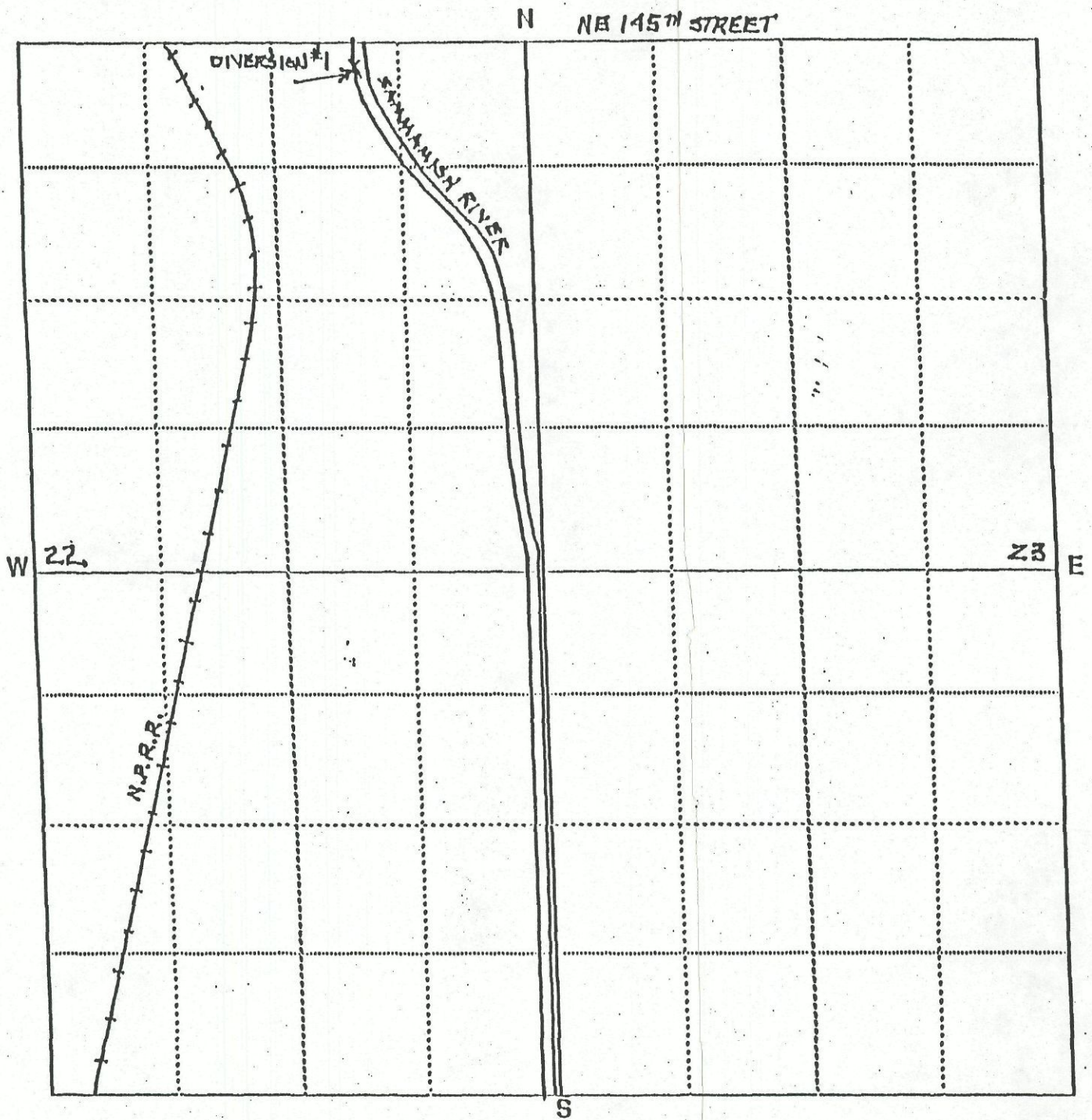
In order to retain its priority date, this application must be returned to the Department of Ecology, with  
corrections, on or before ....., 19.....

Witness my hand this ..... day of ....., 19.....



# SECTION MAP

Sec. NW 1/4 of NE 1/4 of Twp. 26 N. R. 5E  
NE 1/4 of Sec. 22



Scale: 1 inch = 800 feet (each small square = 10 acres)

Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

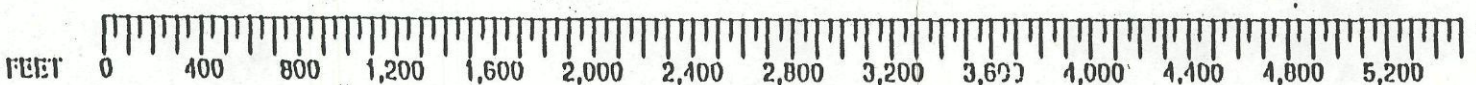
Indicate travelling directions from nearest town in space below.

From Woodinville, drive south on Woodinville-Redmond Road (202). Turn east on NE 145th Street and proceed approximately 1,500 feet to the Sammamish River.

Diversion #1 is located about 75' south of NE 145th Street on the west bank of the river; approximately 900' west and 75' south of the NE corner of section 22. Water from Diversion #1 is used to irrigate the land in the NE 1/4 of Section 22 that is bounded by the railroad tracks to the west and the Sammamish River to the east.

Detach here

Fold along score

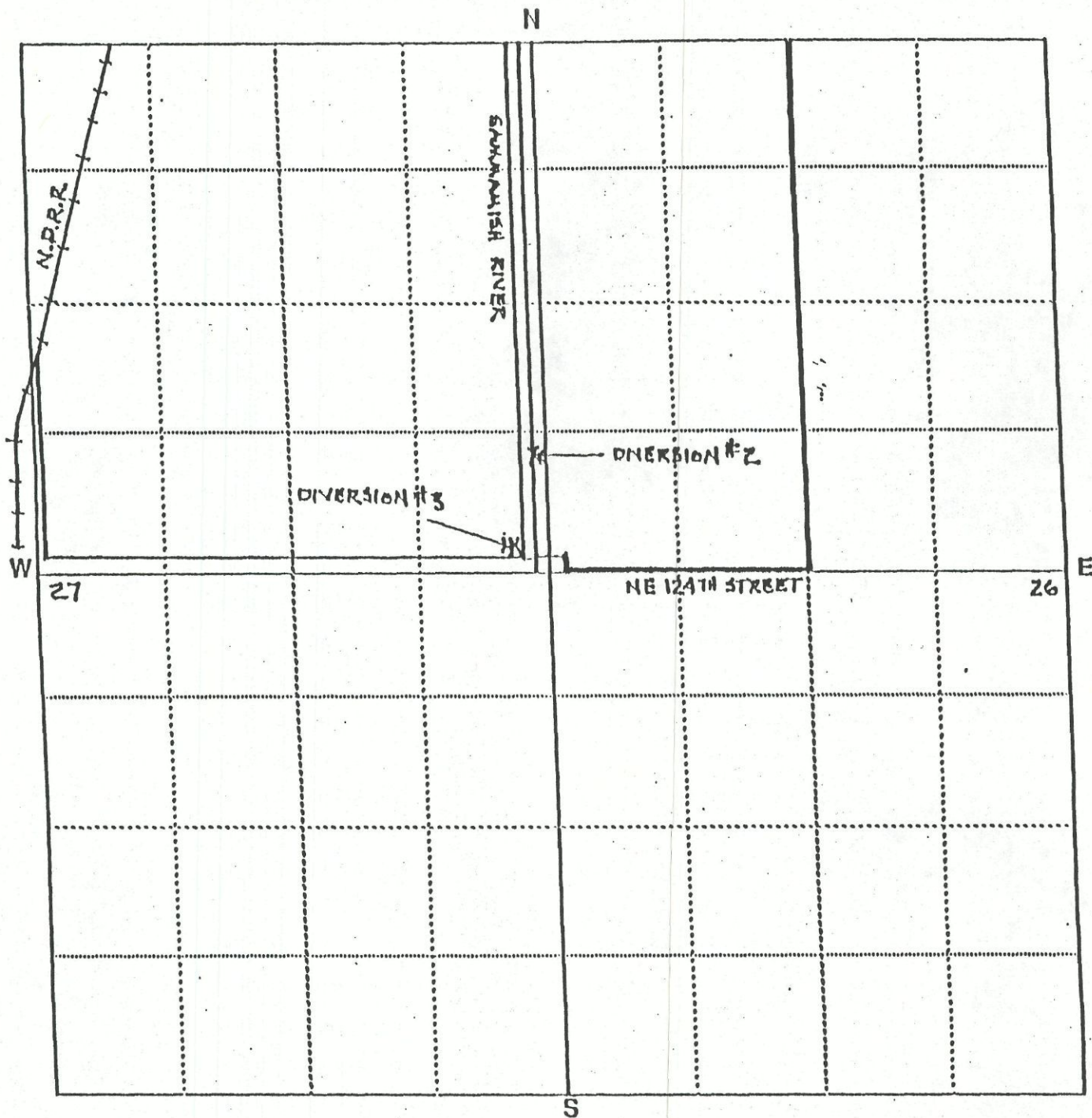


Detach this scale at the perforation. Fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above.



# SECTION MAP

Sec. SE 1/4 of SE 1/4 Twp. 26 N. R. 5E  
of NE 1/4 of Sec. 27



Scale: 1 inch = 800 feet (each small square = 10 acres)

Show by a cross (X) the location of point of diversion (surface water source) or point of withdrawal (ground water source). For ground water applications, show by a circle (O) the locations of other wells or works within a quarter of a mile.

Indicate traveling directions from nearest town in space below.

Diversions #2 and #3: From Woodinville, drive south on the Woodinville-Redmond Road (202). Turn east on NE 145th Street. Cross Sammamish River and turn south on the Woodinville-Redmond Road. Turn west on NE 124th Street. Diversion #2 is located about 500' north of NE 124th Street on the east bank of the river; approximately 2,150' south and 40' west of NE corner of Section 27. Diversion #3 is located about 70' north of NE 124th Street on the west bank of the river; approximately 2,580'

south and 80' west of NE corner of Section 27. Water from Diversion #2 is used to irrigate the W 1/2 of NW 1/4 of Section 26. Water from Diversion #3 is used to irrigate the land in the SE 1/4 of Section 22 and the NE 1/4 of Section 27 that is bounded by the railroad tracks to the west and the Sammamish River to the east.



Detach this scale at the perforation, fold excess paper under or cut off excess by cutting along the scale line. This scale corresponds to the SECTION MAP above. You can read feet directly from this scale to outline properly and locate points of diversion or withdrawal on the SECTION MAP. Enclose this map along with the



## HOLLYWOOD FARM

### PARCEL A

That portion of the East  $\frac{1}{4}$  of Section 22, Township 26 North, Range 5 East, W.M., lying Southerly of Primary State Highway No. 2, as condemned in King County Superior Court Cause No. 337252; AND the North  $\frac{1}{4}$  of Section 27, Township 26 North, Range 5 East, W.M., EXCEPT the South 50 feet conveyed to King County by Auditor's File Nos. 5433538 and 5809818, ALL lying West of the Sammamish Drainage District No. 3; AND East of Snoqualmie Branch of Burlington Northern Railroad; EXCEPT those portions condemned for park in King County Superior Court Cause No. 741685; EXCEPT that portion of the Southwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  of Section 27, Township 26 North, Range 5 East, W.M., described as follows:

Beginning at the intersection of the East line of the Snoqualmie Branch of the Northern Pacific Railroad right of way, and the North right of way line of Northeast 124th Street; thence Easterly along said North right of way 250 feet to the true point of beginning; thence Northerly 170 feet on a line perpendicular to said North right of way line; thence Easterly 250 feet, on a line parallel to said North right of way line; thence Southerly 170 feet, more or less, to the said North right of way line of Northeast 124th Street; thence Westerly 250 feet, more or less, along said North right of way line to the true point of beginning;

### PARCEL B

The West  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 26, Township 26 North, Range 5 East, W.M., EXCEPT that portion for Drainage District No. 3; EXCEPT the South 50 feet conveyed to King County by deed recorded under Auditor's File Nos. 5433538 and 5781857; ALSO EXCEPT those portions condemned for park in King County Superior Court Cause No. 741685;

-ALL situate in the County of King, State of Washington.



**REMARKS**  
**(Per Section 7)**

RCW 90.54.020(3)(a) reads as follows:

"Withdrawals of water which would conflict [with the base flow requirements for rivers and streams] shall be authorized only in those situations where it is clear that overriding considerations of the public interest will be served." (emphasis added)

The "overriding considerations" applicable to this request for irrigation water for Hollywood Farm are as stated below.

Water has been withdrawn from the Sammamish River to irrigate Hollywood Farm continuously since about 1906. Virtually all of this water returns to the Sammamish River and then to Lake Washington.

Until 1978, farming on Hollywood Farm consisted of a mix of dairying and growing of field crops such as corn, peas, oats, alfalfa, etc. By 1978, however, the suburban environs of Seattle had surrounded and extended far beyond the farm. The old style of dairying and crop farming had become impractical and, in addition, it was distasteful to nearby neighborhoods.

In 1978, Hollywood Farm was leased to JB Sod and Seed Co. for the purpose of raising high quality grass sod and seed. The property has been leased to this tenant ever since. This use of the property, with its attractive green, trim, lawn-like appearance, has been very satisfactory to the residential communities which border Hollywood Farm. However, without the necessary irrigation water from the Sammamish River, this activity will not be able to continue and no other agricultural uses of the property are known.

It is the policy of the State of Washington and King County to protect, preserve and enhance agricultural and open space lands. This is evidenced by: (a) King County Comprehensive Plan of 1964 as amended by King County Ordinance 1096, establishing open space policies in King County; (b) Chapter 84.34, RCW and King County Ordinance 2537, authorizing current use taxation of agricultural and open space lands; (c) Chapter 84 Laws of 1979 limiting and deferring road and utility assessments on farm and open space land; (d) King County Ordinance 3064, as amended, establishing King County's agricultural lands policy; (e) King County Ordinance 4341, as approved by the voters of King County in November, 1979 as "Proposition 3" authorizing the purchase of development rights to farm and open space lands.

In King County Ordinance 4341, the King County Council made the following findings and declaration of purpose:



"Section 2. Findings and Declaration of Purpose.

The Council finds that:

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(2) Land suitable for farming is an irreplaceable natural resource with soil and topographic characteristics which have been enhanced by generations of agricultural use. When such land is converted to urban and suburban uses which do not require those special fertility and landscape characteristics, an important community resource is permanently lost to the citizens of King County.

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(7) The permanent acquisition by the County of voluntarily offered interests in farm and open space lands within the County, as provided in this ordinance and as authorized by the Constitution and statutes of the State of Washington, will permit these lands to remain in farm and open space uses in a developing urban area and provide long-term protection for the public interests which are served by farmlands and open space lands within the County."

In 1984, King County purchased the development rights to Hollywood Farm in order to assure that this farm land would remain in a developing urban area and provide long-term protection for the public interests which are served by farmlands within King County. The continued production of crops on Hollywood Farm (and, in particular, "turf" which the Legislature of the State of Washington has defined as an "agricultural product" pursuant to Section 302, Chapter 25, Laws of Washington 1993, 1st Ex. Sess), requires the quantity of irrigation water requested by the Applicant.

The stated purpose of the Department of Ecology's Program as set forth in WAC 173-508-020 is:

"... to retain perennial rivers, streams, and lakes in Lake Washington drainages with instream flows and levels necessary to provide for preservation of wildlife, fish, scenic, aesthetic and other environmental values, navigational values, and to preserve water quality."

Raising grass sod on Hollywood Farm is consistent with the purposes of this Program. The withdrawal of water from the Sammamish River, which was occurring when the Program was adopted and has continued ever since, should not be cut off.

The above listed considerations clearly show (1) that the public interest will be seriously damaged if Hollywood Farm is not permitted to draw enough water for the irrigation of its crops, and (2) that Hollywood Farm's use of irrigation water from the Sammamish River does not seriously deplete the supply of Sammamish water for other uses because most of the irrigation water returns to the river or to Lake Washington.